



# **RICHLAND COUNTY COUNCIL**

## **DEVELOPMENT AND SERVICES COMMITTEE**

Gwendolyn Kennedy	Damon Jeter	Norman Jackson, Chair	Jim Manning	Bill Malinowski
District 7	District 3	District 11	District 8	District 1

**NOVEMBER 23, 2010  
5:00 PM**

**2020 Hampton Street, Columbia, South Carolina**

### **CALL TO ORDER**

### **APPROVAL OF MINUTES**

1. Regular Session: October 26, 2010 [pages 4-6]

### **ADOPTION OF AGENDA**

### **ITEMS FOR ACTION**

2. Amend Ordinance which authorized a Quit Claim Deed to A. Mitchell and M. Snipe [pages 8-17]
3. Broad River Capital Project Close Out [pages 19-20]
4. Motion re: Number of Animals Breeding and/or Stray facilities [pages 22-23]

5. Broad River Additional Access Timber Knoll Drive [pages 25-27]

6. Regulations for Boarded up Structures [pages 29-45]

**ITEMS FOR DISCUSSION / INFORMATION**

7. Richland County explore the benefits of accepting SCDOT roads into the County system [pages 47-48]

**ADJOURNMENT**



# Richland County Council Request of Action

## **Subject**

Regular Session: October 26, 2010 [pages 4-6]

## **Reviews**

**Richland County Council  
Development and Services Committee  
October 26, 2010  
5:00 PM**



*In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, persons requesting notification, and was posted on the bulletin board located in the lobby of the County Administration Building.*

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**Members Present:**

Chair: Norman Jackson  
Member: Damon Jeter  
Member: Gwendolyn Davis Kennedy  
Member: Bill Malinowski

Absent: Jim Manning

**Others Present:** Paul Livingston, Joyce Dickerson, L. Gregory, Pearce, Jr., Valerie Hutchinson, Kelvin Washington, Michelle Cannon-Finch, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Larry Smith, Amelia Linder, David Hoops, Stephany Snowden, Tamara King, Sara Salley, Quinton Epps, Jim Wilson, John Hixson, Sandra Haynes, Andy Metts, Michelle Onley

**CALL TO ORDER**

The meeting was called to order at approximately 5:01 p.m.

**APPROVAL OF MINUTES**

**September 28, 2010 (Regular Session)** – Mr. Malinowski moved, seconded by Ms. Kennedy, to approve the minutes as distributed. The vote in favor was unanimous.

**ADOPTION OF AGENDA**

Mr. Malinowski requested that Items #4 & 7 be moved to the agenda and Item #16 be moved to Items for Action.

Mr. Malinowski moved, seconded by Ms. Kennedy, to adopt the agenda as amended. The vote was in favor.

## ITEMS FOR ACTION

**Amend Ordinance which authorized a Quit Claim Deed to A. Mitchell and M. Snipe** – A discussion took place.

Mr. Malinowski moved, seconded by Ms. Kennedy, to hold this item in committee until the ordinance has been further clarified. The vote in favor was unanimous.

**Animal Care Ordinance Amendments** – A discussion took place.

Mr. Jeter moved to forward this item to Council with a recommendation for approval. The motion died for lack of a second. A discussion took place.

Mr. Jeter moved, seconded by Ms. Kennedy, to forward this item to Council without a recommendation. The vote in favor was unanimous.

**Construction Services Phase II Security Enhancements Jim Hamilton LB Owens Airport** – Mr. Jeter moved, seconded by Mr. Malinowski, to forward this item to Council with a recommendation for approval. A discussion took place.

The vote in favor was unanimous.

**Farmers Market Update** – Mr. Malinowski moved, seconded by Mr. Jeter, to hold this item in committee until staff receives further information from SCRA. The vote in favor was unanimous.

**No Through Truck Traffic on Olympia Avenue from Heyward Street to Bluff Road** – Mr. Malinowski moved to put the project on the penny sales tax prioritization list. The motion died for lack of a second.

Mr. Jeter moved, seconded by Ms. Kennedy, to hold this item in committee until a written response has been received from the SCDOT. The vote in favor was unanimous.

**Professional Services Work Authorization Jim Hamilton LB Owens Airport** – Mr. Jeter moved, seconded by Ms. Kennedy, to forward this item to Council with a recommendation to approve Alternative 1: “Approve the request to authorize Work Authorization #27. This will permit initiation of the project to remove tree penetrations from the airspace imaginary surfaces, surrounding the airport. This will ensure timely compliance with Federal airspace standards, air safety, and development of improved approaches.” The vote in favor was unanimous.

**Purchase/Sale of Wetlands around Carolina Bay/Mistletoe Bay (Conservation Banking)** – Mr. Malinowski moved, seconded by Mr. Jeter, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

**Quit Claim, Laurelwood Lane and Campbell Road** – Mr. Malinowski moved to approve Alternative #2. The motion died for lack of a second.

Mr. Jeter moved to approve Alternative #1. The motion died for lack of a second.

Mr. Jeter moved, seconded by Mr. Jackson, to forward this item to Council without a recommendation. The vote in favor was unanimous.

**Quit Claim, portions of Lake Dogwood Circle** – Mr. Malinowski moved, seconded by Ms. Kennedy, to forward this item to Council with a recommendation to approve Alternative #2: “Grant the quit claim but require compensation.” The vote in favor was unanimous.

**Tree Preservation** – Mr. Malinowski moved, seconded by Mr. Jeter, to hold this item in committee until completion of the Development Roundtable process.

**Broad River Capital Project Close Out** – This item was deferred to the November committee meeting.

**Motion re: Number of Animals, Breeding and/or Stray Facilities** – This item was deferred to the November committee.

**Richland County have in place a Grease Trap Ordinance that all commercial food preparation customers using Richland County sewer systems shall have traps inspected and pumped out every two months or sooner** – This item was deferred to the November committee.

#### ITEMS FOR DISCUSSION/INFORMATION

**Review of Homeowner Association Covenants** – This item was held in committee.

**Richland County explore the benefits of accepting SCDOT roads into the County system (Maintenance, resurfacing, etc.)** – This item was held in committee.

#### ADJOURNMENT

The meeting adjourned at approximately 6:00 p.m.

Submitted by,

Norman Jackson, Chair

The minutes were transcribed by Michelle M. Onley

# Richland County Council Request of Action

**Subject**

Amend Ordinance which authorized a Quit Claim Deed to A. Mitchell and M. Snipe [pages 8-17]

**Reviews**

## Richland County Council Request for Action

Subject: Amend Ord 008(a)-10HR which authorized a Quit-Claim Deed to Aramide Mitchell and Malika R. Snipe

### A. Purpose

This request is to amend ordinance 008(a)-10HR, passed February 2, 2010, which authorized a quit-claim deed to Aramide Mitchell and Malika R. Snipe.

### B. Background / Discussion

On February 2, 2010, Council passed an ordinance quit-claiming a portion of Hunter's Road to Aramide Mitchell and Malika R. Snipe. The ordinance and deed were drafted to give each person a 50% share in the property. According to Randy Byrd of the Public Works Department, the intent of the previous ROA was actually to give each person half of the property, not a 50% share of the whole property.

Council is now requested to amend the previous ordinance and authorize the execution of new deeds to Aramide Mitchell and Malika R. Snipe, giving each half of the Hunter's Road property. The previous deeds were never recorded nor given to the grantees, so there will not be any confusion or re-recording issues.

### C. Financial Impact

No known financial impact.

### D. Alternatives

1. Amend the previous ordinance and pass two separate ordinances quit-claiming the proper property to each grantee.
2. Do not amend the previous ordinance.

### E. Recommendation

Amend ordinance 008(a)-10HR.

Recommended by: Elizabeth A. McLean

Department: Legal

Date: 9/9/10

### F. Reviews

(Please **SIGN** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

#### Finance

Reviewed by Daniel Driggers:

✓ Recommend Council approval

Comments regarding recommendation:

Date: 9/11/10

Recommend Council denial



**Legal**

Reviewed by: Larry Smith

✓ Recommend Council approval

Comments regarding recommendation:

Date:

Recommend Council denial

**Administration**

Reviewed by: Sparty Hammett

✓ Recommend Council approval

Comments regarding recommendation:

Date: 9/13/10

Recommend Council denial

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-10HR

AN ORDINANCE AMENDING ORDINANCE 008(a)-10HR AND AUTHORIZING A QUIT-CLAIM DEED TO MALIKA R. SNIPE FOR A PORTION OF HUNTER'S ROAD, AN UNPAVED ROAD IN THE RICHLAND COUNTY ROAD MAINTENANCE SYSTEM.

WHEREAS, on February 2, 2010, Council passed Ordinance 008(a)-10HR granting a quit-claim deed to Malika R. Snipe and Aramide Mitchell for a portion of Hunter's Road; and

WHEREAS, such ordinance and deed gave each grantee a 50% interest in the described property; and

WHEREAS, it was the intent of County Council to grant to each grantee 100% interest in separate properties; and

WHEREAS, the Council now desires to amend the ordinance and deed to make the above change;

NOW, THEREFORE, pursuant to the authority by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ENACTED BY RICHLAND COUNTY COUNCIL:

SECTION I. For and in consideration of the sum of \$1.00, the County of Richland and its employees and agents are hereby authorized to grant a quit-claim deed for a certain portion of Hunter's Road in Richland County, South Carolina, to MALIKA R. SNIPE, as specifically described in the attached quit claim deed, which is incorporated herein.

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION III. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This ordinance shall be enforced from and \_\_\_\_\_.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Paul Livingston, Chair

Attest this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Michielle R. Cannon-Finch  
Clerk of Council

First Reading:  
Second Reading:  
Public Hearing:  
Third reading:

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STATE OF SOUTH CAROLINA                    )  
  )  
COUNTY OF RICHLAND                        )                   QUIT CLAIM DEED

THIS QUIT-CLAIM DEED,           executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by Richland County, (hereinafter “Grantor”), to Malika R. Snipe, (hereinafter “Grantee”). (Wherever used herein, the terms “Grantor” and “Grantee” shall include singular and plural, heirs, successors, assigns, legal representatives and corporations wherever the context so permits or requires).

WITNESSETH, that the said Grantor, for and in consideration of the sum of One Dollar (\$1.00), in hand paid by the grantee, the receipt of which is hereby acknowledge, does hereby remise, release, and quit-claim unto the Grantee, their heirs, successors, and assigns, forever, all their right, title, interest, claim and demand which Grantor has in and to the following described lot, piece, or parcel of land, situate, lying and being in the County of Richland, State of South Carolina, to wit:

All that certain piece, parcel or lot of land, situate, lying and being in the County of Richland, State of South Carolina, and being that portion of roadway shown as Hunters Road on a plat known as Quail Creek Subdivision, Phase 2B-Section 1, and recorded in the ROD of Richland County in Plat Book 50 at Page 8460 Revised, and having the following metes and bounds: The Point of Beginning being at the South corner of property and going N63° 39’38”W for a distance of 130.87 feet , then N28° 22’24”E for a distance of 33 feet, then S63° 39’38”E for 130.47 feet then S 27° 43’ 50”W for 33 feet to the Point of Beginning.

Derivation: This being a portion of that track deeded to Richland County by Quail Creek II General Partners on September 28, 1987 and recorded in the ROD of Richland County in Deed Book D0859 at Page 0972.

TO HAVE AND TO HOLD the same together with all and singular the rights, members, hereditaments and appurtenances to the premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular the remises before mentioned unto the said Grantee, their heirs, successors and assigns forever so that neither the said Grantors nor their heirs successors, or assigns nor any other person or persons, claiming under their heirs, successors, or assigns, predecessors, or them, shall at any time hereafter, by any way or means, have claim or demand any right or title to the aforesaid premises or appurtenances, or any part of parcel thereof, forever.

WITNESS my hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

THIS

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WITNESSES:GRANTOR

\_\_\_\_\_  
(Witness #1)

By \_\_\_\_\_  
Its: Chairman, Richland County Council

\_\_\_\_\_  
(Witness #2/Notary )

**STATE OF SOUTH CAROLINA)**

**COUNTY OF RICHLAND )**

**PROBATE  
(Grantor)**

Personally appeared before me \_\_\_\_\_ and  
(Name of Witness #1)  
made oath that (s)he saw the within named \_\_\_\_\_

Execute, seal and as its act and deed, deliver the within Assignment and that (s)he with

\_\_\_\_\_ witnessed the execution thereof  
(Name of Witness #2/Notary

\_\_\_\_\_  
Signature of Witness #1

Sworn to before me this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public for South Carolina

MCE \_\_\_\_\_

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-10HR

AN ORDINANCE AMENDING ORDINANCE 008(a)-10HR AND AUTHORIZING A QUIT-CLAIM DEED TO ARAMIDE MITCHELL FOR A PORTION OF HUNTER’S ROAD, AN UNPAVED ROAD IN THE RICHLAND COUNTY ROAD MAINTENANCE SYSTEM.

WHEREAS, on February 2, 2010, Council passed Ordinance 008(a)-10HR granting a quit-claim deed to Malika R. Snipe and Aramide Mitchell for a portion of Hunter’s Road; and

WHEREAS, such ordinance and deed gave each grantee a 50% interest in the described property; and

WHEREAS, it was the intent of County Council to grant to each grantee 100% interest in separate properties; and

WHEREAS, the Council now desires to amend the ordinance and deed to make the above change;

NOW, THEREFORE, pursuant to the authority by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ENACTED BY RICHLAND COUNTY COUNCIL:

SECTION I. For and in consideration of the sum of \$1.00, the County of Richland and its employees and agents are hereby authorized to grant a quit-claim deed for a certain portion of Hunter’s Road in Richland County, South Carolina, to ARAMIDE MITCHELL, as specifically described in the attached quit claim deed, which is incorporated herein.

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION III. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This ordinance shall be enforced from and \_\_\_\_\_.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Paul Livingston, Chair

Attest this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Michielle R. Cannon-Finch  
Clerk of Council

First Reading:  
Second Reading:  
Public Hearing:  
Third reading:



TO HAVE AND TO HOLD the same together with all and singular the rights, members, hereditaments and appurtenances to the premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular the remises before mentioned unto the said Grantee, their heirs, successors and assigns forever so that neither the said Grantors nor their heirs successors, or assigns nor any other person or persons, claiming under their heirs, successors, or assigns, predecessors, or them, shall at any time hereafter, by any way or means, have claim or demand any right or title to the aforesaid premises or appurtenances, or any part of parcel thereof, forever.

WITNESS my hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

THIS

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WITNESSES:GRANTOR

\_\_\_\_\_  
(Witness #1)

By \_\_\_\_\_  
Its: Chairman, Richland County Council

\_\_\_\_\_  
(Witness #2/Notary )

**STATE OF SOUTH CAROLINA)**

**COUNTY OF RICHLAND )**

**PROBATE  
(Grantor)**

Personally appeared before me \_\_\_\_\_ and  
(Name of Witness #1)  
made oath that (s)he saw the within named \_\_\_\_\_

Execute, seal and as its act and deed, deliver the within Assignment and that (s)he with

\_\_\_\_\_ witnessed the execution thereof  
(Name of Witness #2/Notary

\_\_\_\_\_  
Signature of Witness #1

Sworn to before me this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public for South Carolina

MCE \_\_\_\_\_

# Richland County Council Request of Action

## **Subject**

Broad River Capital Project Close Out [pages 19-20]

## **Reviews**

# Richland County Council Request of Action

**Subject:** Broad River Capital Project Close Out

**A. Purpose**

The purpose of this report is to seek County Council’s approval of a budget amendment to re-encumber funds to close out existing contracts.

**B. Background**

The Broad River Wastewater Treatment Plant Capital Project has been a multi-year construction project. This project was funded by revenue bonds. The funds obtained from the bonds were invested in interest bearing accounts where they have accumulated significant interest over the years. Currently there is approximately \$700,000.00 in unencumbered fund balance and accrued interest available for use.

**C. Discussion**

During the budget process of transferring a multi-year capital project from one fiscal year to the next, a few existing contracts had outstanding balances that need to have funds re-encumbered for the current year. These contracts are as follows:

<u>Vendor</u>	<u>Description</u>	<u>Contract Balance</u>
American Engineering	O & M Manual Development	37,200.00
M. B. Kahn	Operations Building Construction	28,631.00
American Engineering	Construction Management	66,000.00
B. P. Barber	Sludge Dryer Installation	6,489.25
Applied Building Sciences	Structural Evaluation	<u>3,142.00</u>
<b>Total</b>		<b><u>75,462.25</u></b>

A budget amendment is recommended in the amount of \$75,462.25 in the Broad River Capital Project budget number 2110367003 to re-encumber the funds to close out the above existing contracts. These are not additional expenses but are only balances on previously existing contracts.

**D. Alternatives**

1. Approve the re-encumbrance of funds from the project fund balance to close out the above mentioned contracts.
2. Identify another source of funds to close out the projects.

**E. Financial Impact**

Funds are available in the project fund balance to re-encumber the funds for the current fiscal year to close out the existing contracts.

**F. Recommendation**

It is recommended that \$75,462.25 be re-encumbered from the Broad River Capital Project fund balance to close out the previously existing contracts.

**Recommended by:** Andy H. Metts    **Department:** Utilities    **Date** 10/12/10

**G. Reviews**

Please indicate your recommendation with a  before routing to the next recipient. Thanks.

**Finance**

Reviewed by: Daniel Driggers

Date: 10/13/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: As stated the project has approximately \$700k in interest earned that has not been appropriate. All appropriated project funds have been expended and the request is for an appropriation of a portion of those funds to pay vendors for services already received. Therefore we would recommend approval in order to satisfy those commitments.

**Procurement**

Reviewed by: Rodolfo Callwood

Date: 10/14/10

Recommend Council approval  
denial

Recommend Council

Comments regarding recommendation:

**Legal**

Reviewed by: Larry Smith

Date: 10/14/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Administration**

Reviewed by: Sparty Hammett

Date: 10/14/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

# Richland County Council Request of Action

## **Subject**

Motion re: Number of Animals Breeding and/or Stray facilities [pages 22-23]

## **Reviews**

## Richland County Council Request of Action

**Subject:** Motion re: Number of Animals, Breeding and/or Stray Facilities

### A. Purpose

Council is requested to consider a motion made at the October 5, 2010 Council Meeting, and direct staff as appropriate.

### B. Background / Discussion

The following motion was made at the October 5, 2010 Council Meeting by Council members Malinowski and Kennedy.

**Staff is requested to review Richland County's current ordinance as it relates to animal ownership in Richland County to determine if there is a better way of controlling the amount of animals (pets) a person has in their possession in order to eliminate the possibility of some locations turning into uncontrolled breeding facilities or a facility for the collection of strays and unwanted animals. [Malinowski and Kennedy]:** This item was forwarded to the Development and Services Committee.

Under the current Richland County ordinance Chapter 5, Animals and Fowl, there is no limit to the number of animals a person may own.

The following language in the ordinance touches on the sale of pets.

#### ***Sec. 5-10. Sale of pets.***

(a) No person shall sell, trade, barter, auction, lease, rent, give away, or display for commercial purpose, any live pet, on any roadside, public right- of-way, public property, commercial parking lot or sidewalk, or at any flea market, fair or carnival.

(b) No person shall offer a pet as an inducement to purchase a product, commodity or service.

(c) No person shall sell, offer for sale or give away any pet under eight (8) weeks of age, except as surrender to a municipal and/or county **animal** shelter or to a licensed pet rescue organization.

(d) Licensed pet shops, commercial kennels, municipal and/or county **animal** shelters, and licensed pet rescue organizations are exempt from the requirements of this section.

(Ord. No. 066-04HR, § I, 10-28-04)

It is at this time that staff is requesting direction from Council with regards to this motion.

**C. Financial Impact**

There is no financial impact associated with this request at this time.

**D. Alternatives**

1. Approve the motion and direct staff as appropriate
2. Do not approve the motion.

**E. Recommendation**

Staff is requesting direction from Council with regards to this motion.

Recommended by: Sandra Haynes Department: Animal Care Date: 10/11/2010

**F. Reviews**

(Please ***SIGN*** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

**Finance**

Reviewed by: Daniel Driggers

Date: 10/14/10

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: recommendation is based on ROA requesting direction for staff.

**Legal**

Reviewed by: Larry Smith

Date:

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Administration**

Reviewed by: Roxanne Ancheta

Date: October 14, 2010

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: It is recommended that Council direct staff with regards to this motion.

# Richland County Council Request of Action

## **Subject**

Broad River Additional Access Timber Knoll Drive [pages 25-27]

## **Reviews**



## Richland County Council Request of Action

**Subject:** Broad River Additional Access  
Timber Knoll Drive

### **A. Purpose**

The purpose of this report is to request County Council's approval to purchase an additional fifty foot (50') wide access to the property that was subdivided for the Broad River Wastewater Treatment Plant Site.

### **B. Background**

Richland County purchased 50 acres of a 95 acre tract to construct the Broad River Wastewater treatment plant. A fifty foot (50') wide easement was reserved across the northwest property line of the 50 acre tract to allow access to the remaining 45 acres. This easement is heavily wooded and serves as a natural buffer between a densely populated subdivision and the wastewater treatment complex. If the easement is cleared for an access road, the residents of the subdivision will have an unobstructed view of the wastewater treatment plant structure and its security lighting.

### **C. Discussion**

An alternate access point to the remaining 45 acres has been identified off Timber Knoll Drive. The property is currently owned by Central Electric Power Cooperative, Inc. They have agreed to the sale of a fifty foot (50') wide parcel parallel to their southeastern property line. If purchased, this fifty foot (50') wide parcel can be swapped for the existing fifty foot (50') wide easement on the Broad River Treatment Plant site. The appraised value of the parcel is \$4,500.00. Central Electric has agreed to accept the appraised value to complete the Sale. See the attached map.

### **D. Alternatives**

1. Proceed with the purchase of the additional fifty foot access parcel and swap it for the existing fifty foot easement on the Broad River Wastewater Treatment Plant Site.
2. Do nothing which may allow the existing easement to be developed as an entrance road.

### **E. Financial Impact**

Funds are available in the Broad River Sewer System enterprise fund account number 530100 – Acquisition, to complete the transaction.

### **F. Recommendation**

It is recommended that County Council approve the purchase of the additional fifty foot (50') access parcel and the swap for the existing fifty foot (50') easement on the treatment plant property.

**Recommended by:** Andy H. Metts    **Department:** Utilities    **Date** 11/5/10

**G. Reviews**

Please indicate your recommendation with a  before routing to the next recipient. Thanks.

**Finance**

Reviewed by: Daniel Driggers

Date: 11/10/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Funds are available as noted

**Procurement**

Reviewed by: Rodolfo Callwood

Date: 11/12/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Legal**

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommendation of approval is subject to the county receiving, in writing, an agreement from the owners of the 45 acre tract that they are willing to agree to this proposed swap.

**Administration**

Reviewed by: Sparty Hammett

Date: 11/15/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:



# Richland County Council Request of Action

**Subject**

Regulations for Boarded up Structures [pages 29-45]

**Reviews**

# Richland County Council Request of Action

**Subject:** Regulations for boarded-up structures

## **A. Purpose**

This Request of Action was prepared to address concerns raised by the Honorable Bill Malinowski and Gwendolyn Kennedy regarding the handling of boarded-up structures in Richland County.

## **B. Background / Discussion:**

On October 5, 2010, a motion was made by the Honorable Bill Malinowski and Gwendolyn Kennedy, as follows:

“To have staff review the current Richland County Ordinance relating to abandoned homes and trailers and consider limiting the time they can remain in such a state prior to action(s) being taken by the Richland County and/or the courts.”

This item was forwarded to the Development and Services Committee.

Upon further clarification from Ms. Kennedy, staff understood the concern to be one of structures that were boarded, and limiting the time they could remain as such.

Richland County currently has an unsafe housing division within the Building and Inspections Department that inspects residential structures for unsafe conditions. This division inspects and keeps track of unsafe vacant and abandoned residential structures and vacant mobile homes in Richland County. The process is administered by the division head, one administrative assistant and one unsafe housing inspector. Other inspectors are assigned as permitted. There are currently 376 open cases on file.

Staff has reviewed Chapter 6 of the Richland County Code of Ordinances and the adopted International Property Maintenance Code. At this time, it is recommended that a written set of procedures be adopted for the unsafe housing division to use in addition to the regulations mentioned above. A copy of the proposed Procedures is attached for Council’s review. This would also address procedures for boarding up a structure or house, provided it meets 50% requirements.

## **C. Financial Impact**

None.

## **D. Alternatives**

1. Approve the Procedures, as presented.
2. Approve alternative language for the Procedures.
3. Do not approve the procedures.

**E. Recommendation**

This request is at Council’s discretion.

**F. Approvals**

(Please SIGN your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

**Finance**

Reviewed by: Daniel Driggers Date: 11/12/10  
 Recommend Council approval  Recommend Council denial  
Comments regarding recommendation: Council Discretion

**Building and Inspections**

Reviewed by: Donny Phipps Date:  
X Recommend Council approval  Recommend Council denial  
Comments regarding recommendation:

**Planning**

Reviewed by: Amelia Linder Date: 11/17/10  
 Recommend Council approval  Recommend Council denial  
Comments regarding recommendation: This ROA is being presented as “a written set of procedures . . . for the unsafe housing division to use”. However, when one gets to the boarded up structure section, it reads as if that is the law for the citizens of Richland County. If it desired that such regulations be imposed for boarded up structures, I recommend that that be done through an ordinance. I fail to see how a citizen can be cited for a violation if these are merely procedures, as “procedures” do not have the enforcement power of law (i.e. a properly enacted ordinance).

**Legal**

Reviewed by: Larry Smith Date:  
 Recommend Council approval  Recommend Council denial  
Comments regarding recommendation: No recommendation: Council discretion  
However, I concur with Amelia’s comments regarding the issue of enforcement. If the county is looking to issue citations for violations, this needs to be in the form of an ordinance and not a set of procedures. Citizens are under no obligation to adhere to a county procedure. In addition, to the extent that the procedure purports to impose a fee, all county fees are established by ordinance. Therefore, if there are going to be any fees imposed, the county needs to establish what services will be provided in consideration for the fee and the fee needs to be established by ordinance.

**Administration**

Reviewed by: Sparty Hammett Date: 11/18/10  
X Recommend Council approval  Recommend Council denial  
Comments regarding recommendation: I agree with the comments regarding Section 13 – Boarded-up Structures and recommend deleting this section from the proposed Unsafe

Housing Procedures. This section was converted to a proposed ordinance to address the legal concerns raised by the Planning Attorney and County Attorney.

# **Department of Building Codes and Inspections**

## **Unsafe Housing Procedures**

### **SECTION 1. PURPOSE**

The following policies and procedures are implemented for the Unsafe Housing Abatement Program and for the enforcement of the current adopted edition of the International Property Maintenance Code and the County's Building Ordinances contained in Chapter 6 (Buildings and Building Regulations) of this code.

### **SECTION 2. POLICY**

It is the policy of the County's Unsafe Housing Abatement Program to seek voluntary compliance with these provisions, but to provide an effective means of enforcement if such compliance is not obtained.

### **SECTION 3. DEFINITIONS**

For the purpose of these procedures, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Affected department" means whichever of the following County departments have the responsibility to administer or enforce the applicable provisions of this code: Building Codes and Inspections, Fire Marshal, Planning, Public Works, or Sheriff's Department.

"Board up" means the boarding up of any means of egress and ingress, including, without limitation, windows and doors, to a structure or unoccupied residential structure.

"Code enforcement officer" means any person employed by the County and appointed to the position of code enforcement officer, as established by resolutions duly adopted by Richland County Council and assigned to the Unsafe Housing Division.

"Owner" means the holder(s) of the property deed or title in fee simple.

"Premises" means the real property, including any buildings, structures or other improvements situated thereon or affixed thereto, where any violation of any provision of Chapter 6 of the Richland County Code of Ordinances, or any of the building codes adopted therein, has or is suspected to have occurred or is suspected to be occurring. The premises may include public property to which a violator has access.

"Residential structure" means any building, structure, manufactured home or mobile home, or part thereof, intended to be used for human habitation and includes any appurtenances therewith including accessory structures.

"Unoccupied" means a residential structure that is not occupied or that is occupied by unauthorized persons.

"Violator" means an adult owner, tenant, occupant, resident or other person having possession, control or any other ownership interest in or the right of access to the premises, excluding persons



having only a security interest in the premises, who is suspected or alleged to have violated or to be in violation of any provision of Chapter 6 of the Richland County Code of Ordinances, or any of the building codes adopted therein. There may be one or more violators as to any particular offense.

## **SECTION 4. PROCEDURES**

### **A. Basic Standards and Maintenance.**

1. The owner of every premise within this County shall be responsible for the basic standards and maintenance thereof in a manner required by the applicable provision of Chapter 6.
2. No building, structure, manufactured home or premises shall exist, or be permitted to exist, in a defective, unsafe, unsecured or unsanitary condition, or without provision for adequate safe egress, or in a condition which constitutes a fire hazard or other danger to human life, or which in relation to existing uses, immediate or in the vicinity, constitutes a hazard to the safety, health, property or welfare of the occupant or the public by reason of inadequate maintenance, dilapidation, abandonment, vandalism or deterioration, or in any manner contrary to applicable provisions of Chapter 6, thereby constituting a public nuisance.
3. Whenever it is determined that any of the conditions exist as described above, the powers of the Housing Official or designee(s) may be exercised to repair, close or demolish any such dwelling or other structure in the manner hereinafter provided.

### **B. Complaint Notice and Order Required.**

1. Whenever a complaint or petition is received by the Unsafe Housing Division, charging that any dwelling or other structure is unfit for human habitation, the Code Enforcement Officer shall, if the investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and all parties in interest in, such dwelling or other structure a Complaint Notice of violation in letter form, which shall expressly state that: 1) the person is in violation of such code section of the International Property Maintenance Code as is applicable adopted in Chapter 6; and 2) the violation shall be abated by specified action; and 3) unless such violation is so abated within a specified time, said person may be issued a citation to appear in court for said violation and for failing to comply with said notice. The notice shall include the name and phone number of the departmental employee from who further information may be obtained.
2. Such notice shall also contain information regarding a hearing that will be held before the Housing Official or designee(s) not less than ten (10) days nor more than thirty (30) days after the service of such notice or letter; that the owner and parties in interest shall be given the right to file an answer to the complaint in letter form and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in such hearings. In the event an emergency arises whereby it appears that human life or safety is involved, the building official or housing official may shorten the

notice of hearing to no less than one (1) day with approval of the Director and/or Building Official.

3. After such notice and hearing, if the Housing Official or designee(s) determines that a dwelling or other structure under consideration is unfit for human habitation, it shall be stated in writing, such writing to include the findings of fact in support of such determination; and this writing shall be issued and caused to be served upon the owner of such property in the form of an order. Any person occupying said structure shall be required to vacate the premises.
4. If the repair, alteration, or improvement of the dwelling or other structure can be made at a reasonable cost in relation to the value of the dwelling or other structure, the owner shall be required within the time specified in such order, to repair, alter or improve such dwelling or other structure to render it fit for human habitation or to vacate and close the dwelling or other structure as a human habitation.
5. If the repair, alteration or improvement of the dwelling or other structure cannot be made at a reasonable cost in relation to the value of the dwelling or other structure, the owner then shall be required, within the time specified in the order, to remove or demolish such dwelling.
6. If the violation has not been abated within the specified time stated in the order, a summons shall be issued. Upon conviction of said violation, penalties shall be imposed as found in Section 1-8 of the Richland County Code of Ordinances.

### **C. Exceptions**

Notwithstanding the provisions of section 4.B, above, no notice need be given, and a Code Enforcement Officer may immediately issue a citation, when there is reasonable basis to believe that: 1) the violation constitutes an imminent threat to the health and safety of any person or persons, including that of the alleged violator, or to property; or 2) the violator may not remain in the county or may otherwise be difficult to locate at a later time.

### **D. Public Nuisance**

Any violation that continues in disregard of an Order issued pursuant to section 4.B., above, is declared to be a public nuisance and as such may be abated in the manner prescribed by law.

### **E. Service of Complaint Notice and Order**

A written Complaint Notice and Order hereunder shall be delivered to and/or served upon such persons either personally or by certified mail, but if the whereabouts of such persons are unknown and cannot be ascertained in the exercise of reasonable diligence, the Housing Official shall make an affidavit to that effect. Then the serving of such notice or order upon such persons may be made by publishing it once each week for two (2) consecutive weeks in a newspaper printed and published in this area. A copy of such notice or order shall be posted in a conspicuous place on the premises affected by the notice or order. A copy of

such complaint notice or order shall also be filed with the Richland County Clerk of Court and such filing of the notice or Order shall have the same force and effect as other lis pendens notices provided by law.

## **SECTION 5. POWERS AND DUTIES OF CODE ENFORCEMENT OFFICERS**

- A. Enforcement Duties.** Each Code Enforcement Officer shall have the duty to enforce the provisions of Chapter 6 of the Richland County Code of Ordinances.
- B. Right of Entry.** Whenever necessary to enforce any of the provisions of said Chapter 6, or any of the building codes adopted therein, or whenever a Code Enforcement Officer has reasonable cause to believe that there exists in or upon any premises any such violation which makes such premises unsafe, dangerous or hazardous, the code enforcement officer may enter such premises at all reasonable times to inspect the same or to perform any duty imposed upon the Code Enforcement Officer by these procedures; provided, that if such premises be occupied, he or she shall first identify himself or herself as a Richland County Unsafe Housing Code Enforcement Officer and request entry, and if such premises be unoccupied, he or she shall first make a reasonable effort to locate the violator and request entry. If such entry is refused, the Code Enforcement Officer shall have recourse to every remedy provided by law to secure entry.
- C. Issuance of Citations.** Each code enforcement officer is authorized to issue citations for violations of the provisions of Chapter 6, or any of the building codes adopted therein, which they have the duty to enforce.
1. Prior to issuance of a citation, the Code Enforcement Officer shall identify himself or herself as a Richland County Unsafe Housing Code Enforcement Officer. The Code Enforcement Officer shall then request the alleged violator to present his or her driver's license or other satisfactory evidence of his or her identity for examination, and the alleged violator shall comply.
  2. The citation shall include the Code section that violated, and state a time and date and place at which the alleged violator shall appear in court to answer the charges stated in the citation. The appearance date shall be at least eighteen (18) days after the date of the citation.
- D. Refusal to sign citation.** The Code Enforcement Officer shall not take or attempt to take anyone into custody for refusing to present satisfactory evidence of his or her identity or for refusing to sign a citation. In such cases, the code enforcement officer may file the citation with the appropriate court as a complaint and may request the assistance of the Richland County Sheriff's Department, or may request the County attorney to prepare and file a complaint with the appropriate court.

## **SECTION 6. FOLLOW-UP INSPECTIONS**

Following the conviction of any violator in court, a Code Enforcement Officer shall make such follow-up inspections as necessary to determine that the violation has been abated and may issue such additional citations as are necessary to gain compliance with the applicable

provisions of Chapter 6 of the Richland County Code of Ordinances, or any of the building codes adopted therein.

## **SECTION 7. CANCELLATION OF NOTICES**

Upon all work being completed to abate the violation and upon approval of the Code Enforcement Officer, the Code Enforcement Officer shall file a Cancellation of Notice, Order or Lis Pendens, with the Richland County Clerk of Court.

## **SECTION 8. REFUSAL TO ISSUE PERMIT, LICENSES OR OTHER ENTITLEMENT**

### **A. Refusal to Issue; Waiver**

1. Upon notification by an Unsafe Housing Code Enforcement Officer that violations exist, all departments and employees shall refuse to issue permits or licenses or entitlements involving the premises except those necessary to abate such violation.

## **SECTION 9. COUNTY TO REMOVE OR DEMOLISH A STRUCTURE**

If the owner fails to comply with the Order to repair, alter or improve, or to vacate and close the dwelling or other structure, the housing official or designee(s) may cause such dwelling or other structure to be to be vacated, removed or demolished. The housing official or designee(s) shall cause to be posted on each entrance of any dwelling or other structure so closed, a placard with the following words: "This property/structure has been declared unsafe and unfit for human occupancy; the use or occupancy of this structure for human habitation is prohibited and unlawful."

## **SECTION 10. REMOVAL AUTHORITY OF COUNTY.**

If such owner fails to comply with the Order to remove or demolish the dwelling, the building official, or other authorized representative, may cause such dwelling or other structure to be removed or demolished forthrightly.

## **SECTION 11. COSTS; LIEN UPON PROPERTY.**

The amount of the cost of such vacating and closing, or removal or demolition, by the County shall be a lien against the real property upon which the cost was incurred, and such lien shall be recorded at the Richland County Register of Deeds.

## **SECTION 12. NUISANCE ABATEMENT POWER OF COUNTY.**

- A. These Procedures shall not be construed in any way to impair or limit any and all powers of the County to define and declare nuisances and/or to cause their removal or abatement by summary proceedings or otherwise.
- B. The decision of what action to take with regard to such structure, upon failure of the owner to comply with the order/notice, shall rest solely with the County.

- C. A copy of the lien shall be forwarded to the County Finance Department. A statement for the cost(s) shall be mailed or personally served upon the owner or occupant, firm, or corporation, as the case may be, specifying that payment thereof shall be due within (20) days thereof. Upon failure of the owner or occupant to remit payment of such bill or statement within the prescribed time, the lien shall become collectable as prescribed by Richland County Policy.

### **SECTION 13. BOARDED-UP STRUCTURES.**

**A. Purpose.** The purpose of this section is to promote the health, safety and welfare of the citizens of the county by establishing regulations for boarded-up structures in order to prevent their detrimental effects in the county's neighborhoods.

**B. Authority.** The Housing Official or designee(s) shall be responsible for the administration and enforcement of the provisions of this article.

**C. Registration.**

1. No person or owner shall board up a structure or residential structure without registering the structure with the Housing Division no later than five (5) days after boarding the property.
2. An application for registration must be made by the owner of the boarded up structure or residential structure on a form prescribed by the building department, and submitted to the division. The completed registration form shall contain at a minimum the following information:
  - a. The full name and mailing address of the owner;
  - b. The full address and tax parcel number of the residential structure to be boarded;
  - c. Telephone number at which the owner may be reached;
  - d. If the owner is a partnership or corporation, the owner shall designate one of its general partners or officers to act as its agent and provide the present residence and business addresses and telephone numbers for the agent;
  - e. The owner's plan for the occupancy, repair or demolition of the structure or residential structure;
  - f. The owner's plan for regular maintenance during the period the structure or residential structure is boarded-up; and
  - g. Such other information as the department shall from time to time deem necessary.
3. The owner, under this section, shall have a continuing duty to promptly supplement registration information required by this section in the event that said information changes in any way from what is stated on the original registration.
4. Registration of a boarded up residential structure does not excuse the owner from compliance with any other applicable ordinance, regulation, or statute, including, without limitation, Chapter 6. By accepting an owner's registration, the Building

Department has not determined that the residential structure being registered is in compliance with any applicable local or state regulation or law.

**D. Covering of any means of egress and ingress of structures.**

1. It shall be unlawful for any person to cover any means of egress or ingress of a structure so as to secure the structure without first obtaining a permit to do so from the Building Codes and Inspections Department. The permit fee shall be \$25.00 for residential buildings and \$50.00 for mixed-use and commercial buildings. The permit shall authorize the owner to board the structure in conformance with the “National Arson Prevention Initiative” Board-Up Procedures.
2. All boarded material shall be painted so as to match either the dominant color of the exterior of the structure or the color of the trim of the building, if any.
3. Permits issued pursuant to this section shall be valid for no more than ten (10) days.
4. Upon issuance of a permit pursuant to this section, the Housing Official shall list the property on the "Boarded-up Structure Inventory”.
5. Notwithstanding any other provision hereunder, it shall be a violation for any person to cover, for a period in excess of sixty (60) days, any means of egress or ingress of any structure that is not in compliance with the International Property Maintenance Code or other applicable codes adopted.
6. Notwithstanding any other provision hereunder, it shall be a violation for any person to cover any means of egress or ingress of any structure with any material other than materials conforming to the International Residential Code.

**E. Requirements; time limit.**

1. An owner who registers a boarded up structure or residential structure pursuant to section 13.C, above, must comply with the guidelines for boarding up structures established in section 13.D., above.
2. An owner's registration of a boarded up residential structure shall expire six (6) months from the date of registration with the department and may not be renewed unless approved by the Housing Official or designee(s).

**F. Grace period.**

Any owner or person, who has boarded up a structure or residential structure prior to the adoption date of these Procedures by County Council, shall comply with the procedures contained herein within sixty (60) days after this adoption date. If after sixty (60) days, an owner has failed to register the structure, the owner shall be in violation of the International Property Maintenance Code.

**G. Inventory of improperly boarded structures; notification of owners.**

1. Not less than every sixty (60) days following the adoption of these Procedures, the Housing Official shall update the "Boarded-up Structure Inventory," and shall cause notice of these Procedures and the property owner's obligation to comply with the same, to be mailed by first class certified mail, return receipt requested, to all property owners whose structure is added to the inventory.
2. In the event an owner of a structure that appears on the "Boarded-up Structure Inventory" cannot be located so as to notify the owner of these Procedures, service of notice by publication in the same manner as prescribed by the South Carolina Rules of Civil Procedure is authorized.

**H. Violations.**

1. It shall be unlawful for the owner of a boarded up structure or residential structure to fail to register such structure with the department as required by section 13.C, above, except as otherwise provided herein.
2. It shall be unlawful for an owner who has registered a boarded up residential structure to leave the structure boarded up after the expiration of the registration as set forth in section 13.E., above.
3. It shall be unlawful for an owner to board up a structure or residential structure in a manner that does not comply with this Section 13 unless the owner has obtained the Housing Official's prior written approval for an alternative method of boarding up a structure or residential structure.

**I. Notification of violation.**

1. The Housing Official shall, on the expiration of one hundred eighty (180) days following the listing of a structure on the "Boarded-up Structure Inventory", give the owner notice of violation of this Section. Such notice shall state that the owner must within thirty (30) days of the notice, remove the non-conforming materials from any means of egress or ingress and replace the same with conforming materials which conform to the International Building Code and that the structure is in compliance with the International Property Maintenance Code.
2. Every day of noncompliance shall constitute a separate violation. The covering of any means of egress or ingress as provided under the provisions of this chapter does not stay enforcement of, or compliance with, any orders or notices by the Building Official or designee(s) or relieve any person or owner from complying with all other applicable local and state laws affecting structures and premises.

3. Permits shall be obtained by a licensed contractor to abate the residential structure either through repair or demolition as required by Richland County ordinance and South Carolina rules and regulations.

**J. Manufactured homes.**

Manufactured homes shall NOT be boarded for any reason and shall only be occupied as a residential structure as set forth by HUD Regulations. All vacant manufactured homes shall be in compliance with HUD regulations and the International Property Maintenance Code.

**State law references:** Abatement of nuisance, S.C. Code 5-7-80.



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STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-09HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS; ARTICLE III, BUILDING CODES; SO AS TO PROVIDE REGULATIONS FOR BOARDED-UP STRUCTURES.

Pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, BE IT ENACTED BY THE COUNTY COUNCIL FOR RICHLAND COUNTY:

SECTION I. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article III, Building Codes; is hereby amended by the creation of a new section to read as follows:

**Sec. 6-84. Boarded-up structures.**

(a) Purpose. The purpose of this section is to promote the health, safety and welfare of the citizens of the county by establishing regulations for boarded-up structures in order to prevent their detrimental effects in the county's neighborhoods.

(b) Authority. The Housing Official or designee(s) shall be responsible for the administration and enforcement of the provisions of this section.

(c) Registration.

(1) No person or owner shall board up a structure or residential structure without registering the structure with the Housing Division no later than five (5) days after boarding the property.

(2) An application for registration must be made by the owner of the boarded up structure or residential structure on a form prescribed by the building department, and submitted to the division. The completed registration form shall contain at a minimum the following information:

a. The full name and mailing address of the owner;

b. The full address and tax parcel number of the residential structure to be boarded;

c. Telephone number at which the owner may be reached;

d. If the owner is a partnership or corporation, the owner shall designate one of its general partners or officers to act as its agent and provide the

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present residence and business addresses and telephone numbers for the agent;

e. The owner's plan for the occupancy, repair or demolition of the structure or residential structure;

f. The owner's plan for regular maintenance during the period the structure or residential structure is boarded-up; and

g. Such other information as the department shall from time to time deem necessary.

(3) The owner, under this section, shall have a continuing duty to promptly supplement registration information required by this section in the event that said information changes in any way from what is stated on the original registration.

(4) Registration of a boarded up residential structure does not excuse the owner from compliance with any other applicable ordinance, regulation, or statute, including, without limitation, Chapter 6. By accepting an owner's registration, the Building Department has not determined that the residential structure being registered is in compliance with any applicable local or state regulation or law.

(d) *Covering of any means of egress and ingress of structures.*

(1) It shall be unlawful for any person to cover any means of egress or ingress of a structure so as to secure the structure without first obtaining a permit to do so from the Building Codes and Inspections Department. The permit fee shall be \$25.00 for residential buildings and \$50.00 for mixed-use and commercial buildings. The permit shall authorize the owner to board the structure in conformance with the "National Arson Prevention Initiative" Board-Up Procedures.

(2) All boarded material shall be painted so as to match either the dominant color of the exterior of the structure or the color of the trim of the building, if any.

(3) Permits issued pursuant to this section shall be valid for no more than ten (10) days.

(4) Upon issuance of a permit pursuant to this section, the Housing Official shall list the property on the "Boarded-up Structure Inventory".

(5) Notwithstanding any other provision hereunder, it shall be a violation for any person to cover, for a period in excess of sixty (60) days, any means of egress

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or ingress of any structure that is not in compliance with the International Property Maintenance Code or other applicable codes adopted.

(6) Notwithstanding any other provision hereunder, it shall be a violation for any person to cover any means of egress or ingress of any structure with any material other than materials conforming to the International Residential Code.

(e) Requirements; time limit.

(1) An owner who registers a boarded up structure or residential structure pursuant to subsection (c), above, must comply with the guidelines for boarding up structures established in subsection (d), above.

(2) An owner's registration of a boarded up residential structure shall expire six (6) months from the date of registration with the department and may not be renewed unless approved by the Housing Official or designee(s).

(f) Grace period. Any owner or person, who has boarded up a structure or residential structure prior to the adoption date of these Procedures by County Council, shall comply with the procedures contained herein within sixty (60) days after this adoption date. If after sixty (60) days, an owner has failed to register the structure, the owner shall be in violation of the International Property Maintenance Code.

(g) Inventory of improperly boarded structures; notification of owners.

(1) Not less than every sixty (60) days following the adoption of these Procedures, the Housing Official shall update the "Boarded-up Structure Inventory," and shall cause notice of these Procedures and the property owner's obligation to comply with the same, to be mailed by first class certified mail, return receipt requested, to all property owners whose structure is added to the inventory.

(2) In the event an owner of a structure that appears on the "Boarded-up Structure Inventory" cannot be located so as to notify the owner of these Procedures, service of notice by publication in the same manner as prescribed by the South Carolina Rules of Civil Procedure is authorized.

(h) Violations.

(1) It shall be unlawful for the owner of a boarded up structure or residential structure to fail to register such structure with the department as required by subsection (c), above, except as otherwise provided herein.

## DRAFT

- (2) It shall be unlawful for an owner who has registered a boarded up residential structure to leave the structure boarded up after the expiration of the registration as set forth in subsection (e), above.
- (3) It shall be unlawful for an owner to board up a structure or residential structure in a manner that does not comply with this section unless the owner has obtained the Housing Official's prior written approval for an alternative method of boarding up a structure or residential structure.

(i) Notification of violation.

- (1) The Housing Official shall, on the expiration of one hundred eighty (180) days following the listing of a structure on the "Boarded-up Structure Inventory", give the owner notice of violation of this Section. Such notice shall state that the owner must within thirty (30) days of the notice, remove the non-conforming materials from any means of egress or ingress and replace the same with conforming materials which conform to the International Building Code and that the structure is in compliance with the International Property Maintenance Code.
- (2) Every day of noncompliance shall constitute a separate violation. The covering of any means of egress or ingress as provided under the provisions of this chapter does not stay enforcement of, or compliance with, any orders or notices by the Building Official or designee(s) or relieve any person or owner from complying with all other applicable local and state laws affecting structures and premises.
- (3) Permits shall be obtained by a licensed contractor to abate the residential structure either through repair or demolition as required by Richland County ordinance and South Carolina rules and regulations.

- (j) Manufactured homes. Manufactured homes shall NOT be boarded for any reason and shall only be occupied as a residential structure as set forth by HUD Regulations. All vacant manufactured homes shall be in compliance with HUD regulations and the International Property Maintenance Code.

**Secs. 6-85-6-95. Reserved.**

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION III. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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SECTION IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2011.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Paul Livingston, Chair

ATTEST THIS THE \_\_\_\_ DAY

OF \_\_\_\_\_, 2011

\_\_\_\_\_  
Michielle R. Cammon-Finch  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

\_\_\_\_\_  
Approved As To LEGAL Form Only  
No Opinion Rendered As To Content

First Reading:  
Second Reading:  
Public Hearing:  
Third Reading:

# Richland County Council Request of Action

**Subject**

Richland County explore the benefits of accepting SCDOT roads into the County system [pages 47-48]

**Reviews**



## **RICHLAND COUNTY**

**Department of Public Works**

**C. Laney Talbert Center**

**400 Powell Road**

**Columbia, South Carolina 29203**

**Voice: (803) 576-2400 Facsimile (803) 576-2499**

<http://www.richlandonline.com/departments/publicworks/index.asp>



### **MEMO**

To: Sparty Hammett, Assistant County Administrator  
Fr: David Hoops, Director  
Re: Richland County Assumption of Maintenance of SCDOT Roads

Date: November 9, 2010

On October 12, 2010 I met with Thad Brunson, Tony Magwood and Walter Reed of the SCDOT. The following topics of this subject were covered:

1. We will review this request based upon the assumption that only the secondary roadway system is being considered. An estimate of the mileage will be developed.
2. The SCDOT maintenance area cost will be determined from their work orders system. These costs are labor, equipment and materials and SCDOT would not realize a cost savings without reduction of their labor force. There was no method to transfer the funding for maintenance to Richland County identified.
3. The SCDOT resurfacing costs for the subject roads vary yearly as funds are available. The ability to transfer these funds would also be questionable.
4. Bridge maintenance is performed and funded on a state wide basis. There is no identified annual funding for the Richland County area. Bridges in the state system will need significant maintenance and improvements in the future.
5. SCDOT will attempt to provide the data discussed within two weeks of this meeting date.

SCDOT has provided maintenance cost data summarized below:

1. Paved secondary roads maintained by SCDOT within Richland County total 1,270 miles. This total includes roads within the various municipalities in the County. DOT does not attempt to keep the mileage by community as it is always changing and not important to their operation.

2. SCDOT records indicate a total maintenance expense to in-house forces (labor, equipment and materials) of \$25,064,307 for the past 5 years. The average annual in-house maintenance cost based upon these figures is \$3,947 per mile.
3. Public Works has estimated the SCDOT secondary road mileage, excluding The City of Columbia to be 985 miles. We did not attempt to delineate the mileages in other communities as we provide maintenance for them through an IGA.
4. If the same level of effort is maintained the increased annual cost to assume maintenance of the SCDOT secondary system by Richland County (excluding City of Columbia) is 985 miles X \$3,947/mile = \$ 3,888,000 per year.

We did briefly discuss in the October 12<sup>th</sup> meeting the possibility of trading maintenance responsibilities of roads of equal length and condition. By this method isolated or partial road maintenance responsibilities could be consolidated, making for improved efficiency for the responsible agency.